In the Supreme Court of the United States

OCTOBER TERM, 1970

No. 736

JOHN KELLERMAN, PETITIONER

v.

UNITED STATES OF AMERICA

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

MEMORANDUM FOR THE UNITED STATES IN OPPOSITION

After a jury trial in the United States District Court for the Southern District of New York, petitioner and others were convicted of mail fraud and conspiracy in connection with a scheme to sell and distribute counterfeit Diners Club credit cards. The court of appeals affirmed (Pet. App. A).

The petition seeks to recanvass issues regarding the sufficiency of the evidence which were fully presented to and dealt with by the court below. Those

issues raise no question warranting further review here. In any event, the contentions are fully answered in the opinion of the court below, on which we rely.

It is therefore respectfully submitted that the petition for a writ of certiorari should be denied.

ERWIN N. GRISWOLD,
Solicitor General.

OCTOBER 1970.

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